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May 25, 2011

BY ECF
Hon. Ramon E. Reyes, Jr.
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Gavriel Bidany
Criminal Docket No. 11-259 (RER)

Dear Judge Reyes:

This letter is in response to your request at the time of the Defendants sentencing to indicate the defendant's position regarding restitution and whether the conviction for simple assault under 18 USC § 113(a)(5) constitutes a crime of violence.

The Defendant agrees with the Government's position in their letter dated May 16, 2011 indicating that the elements of the crime of 18 USC § 113(a)(5) do not appear to meet the definition of "crime of violence" under 18 USC § 16(a). Since we are both in agreement on this issue, I respectfully request that the hearing set for June 1, 2011 be cancelled.

Respectfully Submitted,

/s/

Saul Bienenfeld

cc: AUSA David Sarratt via ECF
Clerk of the Court via ECF